

REMARKS

Claims 1-5, 14-16, 19, 21-25, 28-30 and 35 currently appear in this application. The Office Action of February 7, 2008, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Rejections under 35 U.S.C. 112

Claims 1-9, 13-25, 28-30 and 35 are rejected under 35 U.S.C. 112, first paragraph, because the specification is said not to be enabling for all of the compounds recited in the claims.

This rejection is respectfully traversed. The claims have been amended to cover compounds cited by the Examiner as well as compounds which are believed to have similar properties to those cited compounds. One skilled in the art can predict, without undue experimentation, the utility of these additional compounds.

Specifically, although the Examiner refers to only NH₂ and alkyl substituted amino as the values of R⁷ in the Office Action, Examples 180A and 180B illustrate the compounds of formula (1) in which R⁷ is methyl substituted with one hydroxyl as shown in Table B-17. Therefore, the language

"straight-chained or branched C₁₋₃ alkyl substituted with one or more hydroxy groups" has been included in the definition of R⁷.

The Examiner has suggested that the value of R⁸ be limited to methyl. However, Examples 18, 65, 68, 69, 71 and 74 illustrate the compounds of formula (1) in which R⁸ is hydrogen as shown in Tables B-4, B-5 and B-9. Examples 45-62, 110-118, 130 and 131 illustrate the compounds wherein R⁸ is ethyl as shown in Tables B-7 and B-8. Accordingly, the current definition of R⁸ is has been maintained.

With respect to the definition of R⁹, although the Examiner refers only to isopropyl and trifluoroethyl, Examples 138-171, 174 and 175 illustrate the compounds of formula (1) in which R⁹ is an unsubstituted or substituted methyl, ethyl, n-propyl, i-propyl, i-butyl, sec-butyl or tert-butyl as shown in Tables B10 to B17. Examples 151, 152 and 165 illustrate compounds of formula (a) in which R⁹ is cyclohexyl and cyclopropyl, which are included in the recitation of C₃₋₇ cycloalkyl, as showing in Tables B-12 and B-15. Examples 166 and 176 illustrate the compounds of formula (1) in which R⁹ is phenyl, as shown in Table B-15.

With respect to the definition of R¹¹, it is respectfully submitted that this should not be limited to amide. Examples 12-18 and 69-72 illustrate compounds of

formula (1) in which R¹¹ is variously substituted methyl, as shown in Tables B-3, B-4 and B-9. Examples 7, 8, 63, 119, 120 and 121 illustrate the compounds in which R¹¹ is a substituted amide, as shown in Tables B-2 and B-8. Thus, it is respectfully submitted that the specification as filed provides enablement for compounds in which R¹¹ is C(O)NHMe, C(O)NHEt, C(O)NHCH₂OH, C(O)NHCH₂SO₂CH₃, C(O)NHCH₂Pr, C(O)CPr, C(O)NPr, and C(O)Pr.

The compounds now recited in claim 1 have been demonstrated in Test Examples 1 and 2 to have similar pharmaceutical activity. Thus, it is respectfully submitted that one skilled in the art would expect all of the compounds now claimed to have similar pharmaceutical properties.

Double Patenting

Claims 1-25, 28-34, 34 and 35 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1, 4-7 and 10-14 of U.S. Patent No. 6,255,585.

This rejection is respectfully traversed. Submitted here is a terminal disclaimer which should be sufficient to overcome the double patenting rejection.

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In view of the above, it is respectfully submitted
that the claims are now in condition for allowance, and
favorable action thereon is earnestly solicited.

Respectfully submitted,

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